

Eric L. Cramer (*Pro Hac Vice*)
Michael Dell'Angelo (*Pro Hac Vice*)
Patrick F. Madden (*Pro Hac Vice*)
Mark R. Suter (*Pro Hac Vice*)
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3000
Facsimile: (215) 875-4604
ecramer@bm.net
mdellangelo@bm.net
pmadden@bm.net
msuter@bm.net

*Co-Lead Counsel for the Classes and
Attorneys for Individual and Representative Plaintiffs
Cung Le, Nathan Quarry, Jon Fitch, Luis Javier
Vazquez, Brandon Vera, and Kyle Kingsbury*

(Additional counsel appear on signature page)

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon Fitch, Brandon
Vera, Luis Javier Vazquez, and Kyle
Kingsbury on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**JOINT AGREED MOTION TO
EXTEND MOTION FOR
SUMMARY JUDGMENT
OPPOSITION AND REPLY BRIEF
DEADLINES AND FOR LEAVE TO
FILE SUMMARY JUDGMENT
BRIEFING MATERIALS IN
EXCESS OF PAGE LIMITS
IMPOSED BY LOCAL RULE 7-3**

(First Request for Extension of Time)

1 Pursuant to Local Rule IA 6-1 and Local Rule 7-3(c), Plaintiffs Cung Le, Nathan Quarry,
2 Jon Fitch, Brandon Vera, Luis Javier Vazquez, and Kyle Kingsbury (“Plaintiffs”) and Defendant
3 Zuffa, LLC (“Zuffa”) (Zuffa and Plaintiffs collectively, “the Parties”), by and through their
4 undersigned attorneys, move to extend the deadlines for Plaintiffs’ Opposition to Defendant’s
5 Motion for Summary Judgment and Defendant’s Reply in Support of its Motion for Summary
6 Judgment, and for leave to file summary judgment briefing in excess of the page limits imposed
7 by Local Rule 7-3(a). The Parties seek to extend the deadlines set forth in the Second Stipulated
8 Discovery Plan and Scheduling Order, ECF No. 513, for Plaintiffs’ Opposition to Zuffa’s Motion
9 for Summary Judgment—presently due September 14, 2018—and Zuffa’s Reply in Support of its
10 Motion for Summary Judgment—presently due October 26, 2018—by one week.

11 The Parties have met and conferred, reached an agreement, and now jointly move to
12 extend the deadlines for Plaintiffs’ Opposition to Zuffa’s Motion for Summary Judgment and
13 Zuffa’s Reply in Support of its Motion for Summary Judgment by one week. This proposed
14 extension would alter the deadline for Plaintiffs’ Opposition to Zuffa’s Motion for Summary
15 Judgment from September 14, 2018 to September 21, 2018 and for Zuffa’s Reply in Support of
16 its Motion for Summary Judgment from October 26, 2018 to November 2, 2018. *See* ECF No.
17 513.

18 On July 27, 2018, the Parties jointly moved the Court to permit the Parties to allocate
19 additional pages for their summary judgment briefing. *See* ECF No. 570. On July 30, 2018, Zuffa
20 filed its Motion for Summary Judgment. *See* ECF No. 573. The Parties have since met and
21 conferred, reached a subsequent agreement, and now jointly move the Court to permit the Parties
22 to allocate 45 pages for Plaintiffs’ Opposition to Zuffa’s Motion for Summary Judgment and 27
23 pages for Zuffa’s Reply in Support of its Motion for Summary Judgment. The Parties intend for
24 the page limits proposed herein to incorporate and supersede the page limits requested in their
25 previous Joint Motion, ECF No. 570.

26 The table below summarizes the Parties’ proposal:
27
28

| Brief | Current LR 7-3(a) Limit | Proposed Limit | Current Deadline | Proposed Deadline |
|---|--------------------------------|-----------------------|-------------------------|--------------------------|
| Zuffa's Motion for Summary Judgment | 30 pages | 40 pages ¹ | -- | -- |
| Plaintiffs' Opposition to Zuffa's Motion for Summary Judgment | 30 pages | 45 pages ² | September 14, 2018 | September 21, 2018 |
| Zuffa's Reply in Support of its Motion for Summary Judgment | 20 pages | 27 pages | October 26, 2018 | November 2, 2018 |

The proposed page limits, as outlined above, incorporate the 40 page limit for Zuffa's Motion for Summary Judgment that was requested in the Parties' previous Joint Motion, ECF No. 570, and are otherwise intended to supersede the page limits previously requested. The Parties have submitted a Proposed Order with the present Motion that incorporates all of the terms specified above, and believe that in light of the superseding Proposed Order, ruling on the previous Motion, ECF No. 570, is no longer necessary.

The Parties have good cause to seek to exceed the Local Rule 7-3(a) page limits as the record is extensive and the issues to be addressed in the Parties' Summary Judgment briefing are substantial and susceptible of lengthy exposition. For these reasons, good cause exists to grant an extension of the Local Rule 7-3(a) page limits. *See Jacobs v. Clark Cty. Sch. Dist.*, 373 F. Supp. 2d 1162, 1168 (D. Nev. 2005) (granting a motion to exceed the page limit requirements of the District of Nevada's Local Rules where the issues to be addressed "are substantial and susceptible of lengthy exposition"). The Parties agree that additional time to file these briefs is necessary in order to adequately address the breadth of the issues involved.

The Parties respectfully request that the Court extend the deadlines set forth in the Second Stipulated Discovery Plan and Scheduling Order, ECF No. 513, as specified above, that the Court find that good cause exists, and that the Court grant leave to file Summary Judgment briefing materials in excess of the page limits specified by Local Rule 7-3(a) as specified above.

¹ The 40 page limit includes Zuffa's Statement of Undisputed Material Facts.

² The 45 page limit includes Plaintiffs' Counterstatement of Undisputed Material Facts.

1 Dated: August 28, 2018

Dated: August 28, 2018

2 **BERGER MONTAGUE PC**

3 By: /s/ Eric L. Cramer

4 Eric L. Cramer (admitted *pro hac vice*)
5 Michael Dell'Angelo (admitted *pro hac vice*)
6 Patrick F. Madden (admitted *pro hac vice*)
7 Mark R. Suter (admitted *pro hac vice*)
8 1818 Market Street
9 Philadelphia, Pennsylvania 19103
10 Phone: (215) 875-3000/Fax: (215) 875-4604
11 ecramer@bm.net
12 mdellangelo@bm.net
13 pmadden@bm.net
14 msuter@bm.net

15 *Co-Lead Counsel for the Classes and*
16 *Attorneys for Individual and Representative*
17 *Plaintiffs Cung Le, Nathan Quarry, Jon*
18 *Fitch, Luis Javier Vazquez, Brandon Vera,*
19 *and Kyle Kingsbury*

20 **COHEN MILSTEIN SELLERS**
21 **& TOLL, PLLC**

22 Benjamin D. Brown (admitted *pro hac vice*)
23 Richard A. Koffman (admitted *pro hac vice*)
24 Daniel Silverman (admitted *pro hac vice*)
25 1100 New York Ave., N.W.
26 Suite 500, East Tower
27 Washington, D.C. 20005
28 Phone: (202) 408-4600/Fax: (202) 408 4699
bbrown@cohenmilstein.com
rkoffman@cohenmilstein.com
dsilverman@cohenmilstein.com

Co-Lead Counsel for the Classes and
Attorneys for Individual and Representative
Plaintiffs Cung Le, Nathan Quarry, Jon
Fitch, Luis Javier Vazquez, Brandon Vera,
and Kyle Kingsbury

BOIES SCHILLER FLEXNER LLP

By: Stacey K. Grigsby

William A. Isaacson (admitted *pro hac vice*)
Stacey K. Grigsby (admitted *pro hac vice*)
Nicholas A. Widnell (admitted *pro hac vice*)
1401 New York Ave, NW
Washington, D.C. 20005
Phone: (202) 237-2727/Fax: (202) 237-6131
wisaacson@bsflp.com
sgrigsby@bsflp.com
nwidnell@bsflp.com

Attorneys for Defendant Zuffa, LLC, d/b/a
Ultimate Fighting Championship and UFC

CAMPBELL & WILLIAMS

Donald J. Campbell (State Bar No. 1216)
J. Colby Williams (State Bar No. 5549)
700 South 7th Street
Las Vegas, Nevada 89101
Phone: (702) 382-5222/Fax: (702) 382-0540
djcc@campbellandwilliams.com
jcw@campbellandwilliams.com

Attorneys for Defendant Zuffa, LLC, d/b/a
Ultimate Fighting Championship and UFC

BOIES SCHILLER FLEXNER LLP

Richard J. Pocker (State Bar No. 3568)
300 South Fourth Street, Suite 800
Las Vegas, Nevada 89101
Phone: (702) 382-7300/Fax: (702) 382-2755
rpocker@bsflp.com

Attorneys for Defendant Zuffa, LLC, d/b/a
Ultimate Fighting Championship and UFC

JOSEPH SAVERI LAW FIRM, INC.

Joseph R. Saveri (admitted *pro hac vice*)
Joshua P. Davis (admitted *pro hac vice*)
Kevin E. Rayhill (admitted *pro hac vice*)
Jiamin Chen (admitted *pro hac vice*)
601 California Street, Suite 1000
San Francisco, California 94108
Phone: (415) 500-6800/Fax: (415) 395-9940
jsaveri@saverilawfirm.com
jdavis@saverilawfirm.com
krayhill@saverilawfirm.com
jchen@saverilawfirm.com

*Co-Lead Counsel for the Classes and
Attorneys for Individual and Representative
Plaintiffs Cung Le, Nathan Quarry, Jon Fitch,
Luis Javier Vazquez, Brandon Vera, and Kyle
Kingsbury*

**WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP**

Don Springmeyer
Nevada Bar No. 1021
Bradley S. Schrager
Nevada Bar No. 10217
3556 E. Russell Road, Second Floor
Las Vegas, Nevada 89120
(702) 341-5200/Fax: (702) 341-5300
dspringmeyer@wrslawyers.com
bschrager@wrslawyers.com

*Liaison Counsel for the Classes and Attorneys
for Individual and Representative Plaintiffs
Cung Le, Nathan Quarry, Jon Fitch, Luis
Javier Vazquez, Brandon Vera, and Kyle
Kingsbury*

**WARNER ANGLE HALLAM JACKSON
& FORMANEK PLC**

Robert C. Maysey (admitted *pro hac vice*)
Jerome K. Elwell (admitted *pro hac vice*)
2555 E. Camelback Road, Suite 800
Phoenix, Arizona 85016
Phone: (602) 264-7101/Fax: (602) 234-0419
rmaysey@warnerangle.com
jelwell@warnerangle.com

*Counsel for the Classes and Attorneys for
Individual and Representative Plaintiffs Cung
Le, Nathan Quarry, Jon Fitch, Luis Javier
Vazquez, Brandon Vera, and Kyle Kingsbury*

**LAW OFFICE OF FREDERICK S.
SCHWARTZ**

Frederick S. Schwartz (admitted *pro hac vice*)
15303 Ventura Boulevard, #1040
Sherman Oaks, California 91403
Phone: (818) 986-2407/Fax: (818) 995-4124
fred@fredschwartzlaw.com

*Counsel for the Classes and Attorneys for
Individual and Representative Plaintiffs Cung
Le, Nathan Quarry, Jon Fitch, Luis Javier
Vazquez, Brandon Vera, and Kyle Kingsbury*

**SPECTOR ROSEMAN KODROFF &
WILLIS, P.C.**

Jeffrey J. Corrigan (admitted *pro hac vice*)
William G. Caldes (admitted *pro hac vice*)
1818 Market Street, Suite 2500
Philadelphia, Pennsylvania 19103
Phone: (215) 496-0300/Fax: (215) 496-6611
jcorrigan@srkw-law.com
wcaldes@srkw-law.com

*Counsel for the Classes and Attorneys for
Individual and Representative Plaintiffs Cung
Le, Nathan Quarry, Jon Fitch, Luis Javier
Vazquez, Brandon Vera, and Kyle Kingsbury*

RADICE LAW FIRM, P.C.

John D. Radice (admitted *pro hac vice*)
34 Sunset Blvd
Long Beach, NJ 08008
jradice@radicelawfirm.com

*Counsel for the Classes and Attorneys for
Individual and Representative Plaintiffs Cung
Le, Nathan Quarry, Jon Fitch, Luis Javier
Vazquez, Brandon Vera, and Kyle Kingsbury*

ATTESTATION OF FILER

The signatories to this document are myself and Stacey Grigsby, and I have obtained Ms. Grigsby's concurrence to file this document on her behalf.

Dated: August 28, 2018

/s/ Eric L. Cramer

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

/s/ Eric L. Cramer

Eric L. Cramer (*Pro Hac Vice*)
Michael Dell'Angelo (*Pro Hac Vice*)
Patrick F. Madden (*Pro Hac Vice*)
Mark R. Suter (*Pro Hac Vice*)
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3000
Facsimile: (215) 875-4604
ecramer@bm.net
mdellangelo@bm.net
pmadden@bm.net
msuter@bm.net

*Co-Lead Counsel for the Classes and
Attorneys for Individual and Representative Plaintiffs
Cung Le, Nathan Quarry, Jon Fitch, Luis Javier
Vazquez, Brandon Vera, and Kyle Kingsbury*

(Additional counsel appear on signature page)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

Cung Le, Nathan Quarry, Jon Fitch, Brandon
Vera, Luis Javier Vazquez, and Kyle Kingsbury
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**DECLARATION OF ERIC L. CRAMER,
ESQ.**

1 I, Eric L. Cramer, Esq., declare and state as follows:

2 1. I am a managing shareholder of Berger Montague PC, one of the Court appointed
3 Interim Co-Lead Counsel for the proposed Classes and an attorney for Individual and
4 Representative Plaintiffs. I am a member in good standing of the State Bars of Pennsylvania and
5 New York, and have been admitted *pro hac vice* in this Court. I am over 18 years of age and have
6 personal knowledge of the facts stated in this declaration. If called as a witness, I could and would
7 testify competently to them.

8 2. I make this declaration in support of the Parties' Joint Agreed Motion to Extend
9 Motion for Summary Judgment Opposition and Reply Brief Deadlines and for Leave to File
10 Summary Judgment Briefing Materials in Excess of Page Limits Imposed by Local Rule 7-3.

11 3. On July 23, 2018 and July 25, 2018, Plaintiffs' Counsel met and conferred with
12 counsel for Zuffa, and the parties agreed to seek leave from this Court to extend the page limits
13 for upcoming Summary Judgment briefing.

14 4. On July 27, 2018, the parties jointly moved this Court to permit the parties to
15 allocate 40 pages for Zuffa's Motion for Summary Judgment, 40 pages for Plaintiffs' Opposition
16 to Zuffa's Motion for Summary Judgment, and 21 pages for Zuffa's Reply in Support of its
17 Motion for Summary Judgment. *See* ECF No. 570.

18 5. On July 30, 2018, Zuffa filed its Motion for Summary Judgment. *See* ECF No.
19 573. Excluding exhibits and indexes, Zuffa's Motion for Summary Judgment totaled 40 pages.

20 6. On August 24, 2018 and August 25, 2018, Plaintiffs' Counsel met and conferred
21 with counsel for Zuffa, and the parties agreed to seek leave from this Court for (1) an additional
22 extension of the page limits for Plaintiffs' Opposition to Zuffa's Motion for Summary Judgment
23 and Zuffa's Reply in Support of its Motion for Summary Judgment, and (2) a one-week extension
24 of the deadlines set forth for these filings in the Second Stipulated Discovery Plan and Scheduling
25 Order, ECF No. 513, entered by this Court on January 10, 2018.

26 7. The parties seek leave from the Court to permit the parties to allocate 40 pages for
27 Zuffa's Motion for Summary Judgment, 45 pages for Plaintiffs' Opposition to Zuffa's Motion for
28

1 Summary Judgment, and 27 pages for Zuffa's Reply in Support of its Motion for Summary
2 Judgment.

3 8. In addition, the parties request that the Court extend the current deadlines set forth
4 in the Second Stipulated Discovery Plan and Scheduling Order, ECF No. 513, by one week for
5 Plaintiffs' Opposition to Zuffa's Motion for Summary Judgment and Zuffa's Reply in Support of
6 its Motion for Summary Judgment. This proposed extension would alter the deadline for
7 Plaintiffs' Opposition to Zuffa's Motion for Summary Judgment from September 14, 2018 to
8 September 21, 2018 and for Zuffa's Reply in Support of its Motion for Summary Judgment from
9 October 26, 2018 to November 2, 2018.

10 9. The above-captioned matter was filed in December 2014. The operative complaint
11 contains nearly 60 pages of allegations.

12 10. Since the case was filed, the parties have engaged in extensive fact and expert
13 discovery, including several million documents, more than 50 depositions, and more than 900
14 pages of expert reports.

15 11. Due to the extensive nature of discovery and the fact that the issues to be
16 addressed in the Summary Judgment briefing are substantial and susceptible of lengthy
17 exposition, the parties seek leave from the Court to extend the page limits in order to ensure that
18 all material issues can be adequately addressed.

19 12. The parties agree that additional time to file these briefs is necessary in order to
20 adequately address the breadth of the issues involved.

21
22 I declare under penalty of perjury and the laws of the United States that the foregoing is
23 true and correct. This declaration was executed in Philadelphia, Pennsylvania on August 28,
24 2018.

25
26 /s/ Eric L. Cramer

27 Eric L. Cramer
28

[PROPOSED] ORDER

Before this Court is the Parties' Joint Agreed Motion to Extend Motion for Summary Judgment Opposition and Reply Brief Deadlines and for Leave to File Summary Judgment Briefing Materials in Excess of Page Limits Imposed by Local Rule 7-3, filed by Plaintiffs Cung Le, Nathan Quarry, Jon Fitch, Brandon Vera, Luis Javier Vazquez, and Kyle Kingsbury ("Plaintiffs") and Defendant Zuffa, LLC ("Zuffa") (collectively "the Parties").

It is hereby ordered that the deadlines set forth in the Second Stipulated Discovery Plan and Scheduling Order, ECF No. 513, are modified as follows:


| | |
|---|--------------------|
| Plaintiffs' Opposition to Zuffa's Motion for Summary Judgment | September 21, 2018 |
| Zuffa's Reply in Support of its Motion for Summary Judgment | November 2, 2018 |

The Court finds that good cause exists and that a modification to the page limits specified in the District of Nevada Local Rule 7-3(a) is appropriate. Therefore, it is further ordered that the page limits for the briefing related to the Parties' summary judgment motions are modified as follows:

| | |
|---|----------|
| Zuffa's Motion for Summary Judgment | 40 pages |
| Plaintiffs' Opposition to Zuffa's Motion for Summary Judgment | 45 pages |
| Zuffa's Reply in Support of its Motion for Summary Judgment | 27 pages |

IT IS SO ORDERED.

DATED: September 5, 2018

By: 
The Honorable Richard F. Boulware, II
UNITED STATES DISTRICT JUDGE

[PROPOSED] ORDER RE: JOINT AGREED MOTION TO EXTEND MOTION FOR SUMMARY JUDGMENT OPPOSITION AND REPLY BRIEF DEADLINES AND FOR LEAVE TO FILE SUMMARY JUDGMENT BRIEFING MATERIALS IN EXCESS OF PAGE LIMITS IMPOSED BY LOCAL RULE 7-3